

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
vs.)	
)	NO. 08 C 0641
KEVIN MISCH TRUCKING)	
& EXCAVATING, INC., an Indiana)	JUDGE RUBEN CASTILLO
corporation,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

DAVID S. BODLEY, being first duly sworn upon his oath, deposes and states:

1. He is now, and has since the first day of May, 1999, been employed by the Trustees of the Midwest Operating Engineers Fringe Benefit Funds as administrative manager, and in such capacity, has personal knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings is competent to testify in respect thereto.

2. He has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

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- (a) is required to make monthly contribution reports under the terms of the aforesaid collective bargaining agreement;
- (b) has submitted monthly contribution reports for the months of September 2007 through April 2008, but has failed to submit the contributions which it acknowledges therein to be due as set forth below:

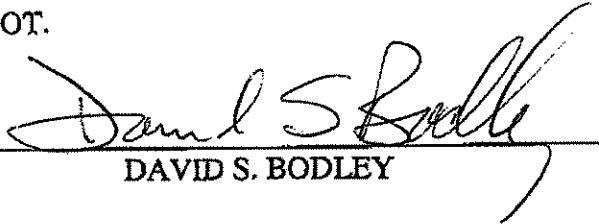
(copies of the Defendant's contribution reports for September 2007 through February 2008 are attached hereto).

	<u>Liquidated Damages</u>
Welfare Fund	\$2,454.27
Pension Fund	\$2,045.24
Apprenticeship Fund	\$ 229.20
Vacation Fund	\$ 458.37

6. He is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause, is competent to testify thereto.

7. He makes this Affidavit in support of the application of Plaintiffs to reopen the case and for entry of judgment against Defendant and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.

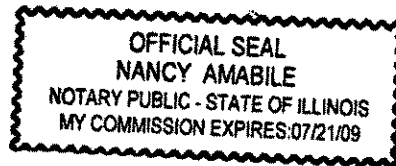


DAVID S. BODLEY

SUBSCRIBED AND SWORN
TO before me this 31st
day of March, 2008.



NOTARY PUBLIC



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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of David S. Bodley) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 31st day of March 2008:

Mr. Kevin Misch, Registered Agent
Kevin Misch Trucking & Excavating, Inc.
2025 Cardinal Drive
Wheatfield, IN 46392

Mr. Kevin Misch, Registered Agent
Kevin Misch Trucking & Excavating, Inc.
2447 W 1450 N
Wheatfield, IN 46392

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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